

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/831,122	GOTHE ET AL.
	Examiner	Art Unit

Blanche Wong	2667	
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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to August 8, 2001.
2.  The allowed claim(s) is/are 5-8 (renumbered 1-4 respectively).
3.  The drawings filed on 08 August 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

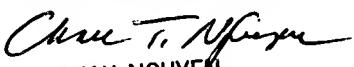
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
**CHAU NGUYEN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

## REASONS FOR ALLOWANCE

1. Claims 5-8 (renumbered 1-4 respectively) are allowed.
2. The following is an examiner's statement of reasons for allowance:

With regard to claim 5, the prior art of record fails to anticipate or make obvious a method for selectively changing a transmission speed between a first transmission device and at least one of a plurality of further transmission devices, wherein a subscriber line network links the first transmission device to the plurality of further transmission devices.

Tanaka (U.S. Pat No. 5,506,843) discloses a subscriber group transmitter (sending device) that transmits to a plurality of subscribers 3 (receiving device), Fig. 1 and 9, col. 1, ln. 50-51. Tanaka uses a multi-frame structure (frame structure) col. 1, ln. 55-56 where the even numbered frames are signaling frames (control signals) col. 1, ln. 32. A superframe is shown in (2) of Fig. 8. However, the signaling frames are not management channels nor consist of control signals relating to transmission speed.

Moreover, the prior art of record fails to anticipate or make obvious such method comprising the steps of: "providing a management channel in the frame structure in which information relating to an increase in the transmission speed is communicated to a receiving device; transmitting, via a sending device, the information signals at an increased transmission speed, wherein synchronism with the receiving device is lost; and increasing the transmission speed, via the receiving device and upon receiving the information transmitted in the management channel ...."

Where prior art shows a variable rate negotiation, e.g. Tzannes et al. (U.S. Pat No. 6,522,666) discloses a sync byte 107, Fig. 2, within a frame of a superframe, that is

being transmit by TX 26,34, Fig. 5 and data rate is acknowledged by RX 34,26, Fig. 5, Tzannes fails to explicitly show a management channel in a frame structure. Col. 11, ln. 12-26.

Where prior art shows adaptive rate, e.g. Langberg et al. (U.S. Pat No. 6,167,034) discloses the transceivers working in an asymmetrical manner whereby the transmitter and receiver can work in different rate simultaneously by using a PN symbol generator 38, Fig. 4 as a correlator col. 3, ln. 30-55, rather than synchronizing to the maximum possible rate between the transceivers.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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BW

December 23, 2004